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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,593	10/15/2003	Louis Holder	20807.0002	1757
28752	7590	04/24/2006	EXAMINER	
LACKENBACH SIEGEL, LLP			JONES, PRENELL P	
LACKENBACH SIEGEL BUILDING				
1 CHASE ROAD			ART UNIT	PAPER NUMBER
SCARSDALE, NY 10583			2616	

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/684,593	HOLDER, LOUIS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Prenell P. Jones	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 February 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2,3 and 5-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2,3,5-8,11-15,18-23 and 26-28 is/are rejected.
- 7) Claim(s) 9,10,16,17,24 and 25 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/21/06</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Arguments***

1. Applicant's arguments with respect to claims 2-3 and 5-28, that the cited prior art fails to teach or suggest "***preventing ports from timing out by repeatedly sending subsequent messages***" have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 2, 3, 5-8, 13-15, 20-23, 26, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borella et al (US PAT. 6,731,642) in view of Yan et al (US PG PUB 20050018651) and Harris et al (US PG PUB 20030212795).

Regarding claim 2, 3, 5-8, 15, 22 and 23, Borella (US PAT. 6,731,642) (Abstract, col. 3, line 14-44, col. 11, line 48-52) discloses an IP telephony network utilizing network address translation, wherein communication exist between a caller station and callee station and the privacy and security associated with the IP telephony network is enhanced, whereby the architecture includes multiple components, such as, two routers (intermediate points), two gatekeepers and a back end server that work together to set-up a call, (col. 2, line 5-67) an intermediate network, routing calls between a caller station and callee station is accessible via an intermediate network (intermediate point/Internet), router connecting edge network to an intermediate network initiates a call

in response to a setup message (at least a portion of a message) that includes a callee station number, routing means performs network address translation, intermediate network initiates call response to set-up message originating from callee station, (col. 7, line 23 through col. 8, line 45) in the registration process for both the caller (sender) and callee (destination) an edge network to a router transmits a first registration message, a second registration message and a third registration message (repeatedly sending other messages from destination) over Internet to the intermediate network, cascade of registration messages transmit callee station number (from destination), and responses are sent with respect to registration request of both caller and callee during registration process. Although, Bella is silent on time-out function associated with an intermediate point (router), it is inherent that a router includes a timer associated with a port interface, wherein an associated time-out is applied. Bella is silent on receiving a response to a request within a time-out period and preventing a port from timing-out by repeatedly sending subsequent messages via destination over Internet. In an Internet telephone communication system that monitors/manages data routing of caller information, Yan discloses a communication environment wherein the architecture includes communicating router modules provides network address translation and port translation (paragraph 0024, 0070), MTA includes a routing module whereby the MTA operates as a network address and port translation gateway for a plurality of clients (paragraph 0056), VOIP and SIP (enhanced Internet telephony), confirmation respond received with respect to a time-out period (paragraph 0138, 0148), and Harris discloses peer-to-peer communications wherein the architecture includes a plurality of client devices communicating, server devices, NAT (network address translator), wherein the NAT device can be a router with associated ports (Fig. 1, paragraph 0015, 0022), NAT devices implements port mapping (timeout), timeouts are prevented by periodically

sending messages out (paragraph 0019). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement receiving a response to a request within a time-out period and preventing time-out by repeatedly sending subsequent messages as taught by the combined teachings of Yan and Harris with the teachings of Borella for the purpose of further managing response/queries in call setup as to minimize congestion at a port.

Regarding claims 13, 14, 20, 21 and 28, as indicated above, Borella discloses devices communicating message data in an enhanced IP telephony environment, he further discloses that the messages communicated is signaling data (col. 3, line 28 thru col. 4, line 67), Yan discloses a communication environment wherein the architecture includes communicating router modules provides network address translation and port translation (paragraph 0024, 0070), MTA includes a routing module whereby the MTA operates as a network address and port translation gateway for a plurality of clients (paragraph 0056), VOIP and SIP (enhanced Internet telephony), confirmation respond received with respect to a time-out period (paragraph 0138, 0148), and Harris discloses peer-to-peer communications wherein the architecture includes a plurality of client devices communicating, server devices, NAT (network address translator), wherein the NAT device can be a router with associated ports (Fig. 1, paragraph 0015, 0022), NAT devices implements port mapping (timeout), timeouts are prevented by periodically sending messages out (paragraph 0019). Although, Borella and Harris are silent on session initiated protocol (SIP), Yan further discloses communicating call signaling messages wherein the messages contain IP frames that are compliant with the SIP protocol (paragraph 0125). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement communicating

telephony signaling, as well as SIP protocol as taught by Yan with the combined teachings of Borella and Harris for the purpose of further managing response/queries in call setup.

Regarding claims 12, 19 and 27, as indicated above, Borella discloses devices communicating message data in an enhanced IP telephony environment, he further discloses that the messages communicated is signaling data (col. 3, line 28 thru col. 4, line 67), Yan discloses a communication environment wherein the architecture includes communicating router modules provides network address translation and port translation (paragraph 0024, 0070), MTA includes a routing module whereby the MTA operates as a network address and port translation gateway for a plurality of clients (paragraph 0056), VOIP and SIP (enhanced Internet telephony), confirmation respond received with respect to a time-out period (paragraph 0138, 0148), and Harris discloses peer-to-peer communications wherein the architecture includes a plurality of client devices communicating, server devices, NAT (network address translator), wherein the NAT device can be a router with associated ports (Fig. 1, paragraph 0015, 0022), NAT devices implements port mapping (timeout), timeouts are prevented by periodically sending messages out (paragraph 0019). Although, Borella and Harris are silent on Dynamic Host Computer Protocol (DHCP), Yan further discloses wherein the MTA includes a DHCP server dispenses IP network addresses (paragraph 0055-0059). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement a Dynamic Host Computer Protocol (DHCP) that generates network addresses as taught by Yan with the combined teachings of Borella and Harris for the purpose of further managing response/queries in call setup.

Regarding claim 11, 18 and 26, as indicated above, Borella discloses devices communicating message data in an enhanced IP telephony environment, he further discloses that the messages communicated is signaling data (col. 3, line 28 thru col. 4, line 67), Yan discloses a communication environment wherein the architecture includes communicating router modules provides network address translation and port translation (paragraph 0024, 0070), MTA includes a routing module whereby the MTA operates as a network address and port translation gateway for a plurality of clients (paragraph 0056), VOIP and SIP (enhanced Internet telephony), confirmation respond received with respect to a time-out period (paragraph 0138, 0148), and Harris discloses peer-to-peer communications wherein the architecture includes a plurality of client devices communicating, server devices, NAT (network address translator), wherein the NAT device can be a router with associated ports (Fig. 1, paragraph 0015, 0022), NAT devices implements port mapping (timeout), timeouts are prevented by periodically sending messages out (paragraph 0019). Although, Borella and Yan are silent on an intermediate/router assigning network address at the end of timeout (paragraph 0037, 0038). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement an intermediate/router assigning network address at the end of timeout as taught by Harris with the combined teachings of Borella and Yan for the purpose of further managing response/queries in call setup as well as minimizing congestion.

***Allowable Subject Matter***

3. Claims 9, 10, 16, 17, 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2616

4. The following is a statement of reasons for the indication of allowable subject matter: Although the combined prior art discloses communication between devices in an enhanced Internet telephony environment wherein timeout is prevented by repeatedly sending messages, and the implementation of DHCP is utilized, they fail to teach or suggest with respect to claims 9, 10, 16, 17, 24 and 25, the current timeout period restarts upon arrival at the intermediate point of a reply from the destination and/or source.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

April 17, 2006

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CHI PHAM  
EXAMINER  
4/20/06